

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Ezra U. Pagel; Daniel N. Duncan; Thomas Miller		
Assignee:	Austin Logistics Incorporated		
Title:	System and Method for Updating Contact Records		
Serial No.:	10/776,775	Filed:	February 9, 2004
Examiner:	Amal S. Zenati	Group Art Unit:	2614
Docket No.:	ALI04001	Customer No.:	7590

December 14, 2009

Filed Electronically

SUPPLEMENTAL APPEAL BRIEF UNDER 37 CFR § 41.37

Dear Sir:

Applicants submit this Supplemental Appeal Brief pursuant to the Notice of Noncompliant Appeal Brief mailed September 30, 2009. It is believed that no fees are due because the Notice was returned to the USPTO as undeliverable, and was never received by Applicants (see attached Exhibit 1). Applicants only became aware of the Notice when a status check was done through the PAIR system. Therefore, Applicants respectfully request that the time period for responding be reset to one month from December 9, 2009, the day on which Applicants became aware of the outstanding Notice. However, the Board is authorized to deduct any amounts required for this supplemental appeal brief and to credit any amounts overpaid to Deposit Account No. 502264.

I. REAL PARTY IN INTEREST - 37 CFR § 41.37(c)(1)(i)

The real party in interest is the assignee, Austin Logistics Incorporated, as named in the caption above and as evidenced by the assignment set forth at Reel 014982, Frame 0995.

II. RELATED APPEALS AND INTERFERENCES - 37 CFR § 41.37(c)(1)(ii)

Based on information and belief, there are no appeals or interferences that could directly affect or be directly affected by or have a bearing on the decision by the Board of Patent Appeals and Interferences in the pending appeal.

III. STATUS OF CLAIMS - 37 CFR § 41.37(c)(1)(iii)

Claims 1-23 are pending in the application. Claims 1-23 stand rejected under 35 U.S.C. § 103 (a) as obvious over U.S. Patent No. 5,802,161 to Svoronos in view of U.S. Patent No. 5,889,799 to Grossman. Applicants appeal the rejection of Claims 1, 8 and 15. Appendix “A” contains the full set of pending claims.

IV. STATUS OF AMENDMENTS - 37 CFR § 41.37(c)(1)(iv)

No amendments after final have been requested or entered.

V. SUMMARY OF CLAIMED SUBJECT MATTER - 37 CFR § 41.37(c)(1)(v)

Claim 1 recites a system for coordinating updates of contact records comprising a contact record database (Figure 7, element 118; page 55, line 24) that communicates contact records to one or more contact devices, a contact update engine (Figure 7, element 400; page 56, line 2) that identifies contact records for update of contact numbers based on update factors, an update resource interface (Figure 7, element 404; page 56, line 6) that obtains updated contact numbers for the identified contact records from one or more update resources, and an update validation engine (Figure 7, element 406; page 56, line 9) that validates updated contact records for communication to the contact record database for action by the contact devices. Claim 8 recites a method for coordinating updating of contact records comprising performing contact attempts (Figure 8, element 412; page 58, line 12), identifying contact records with a no contact result (Figure 8, element 414; page 58, line 15), selecting based on update factors contact records for updating (Figure 8, element 414; page 58, line 15), obtaining updated contact information for the selected contact records from an update resource (Figure 8, element 416; page 58, line 23), and re-attempting contact by a contact device with the updated contact information (Figure 8, elements 418 and 412; page 58, lines 12 and 23). Claim 15 recites a system for contacting individuals comprising plural dialers to dial outbound telephone calls (Figure 7, element 108; page 55, line 23), a contact record database that receives results of contact attempts by the dialers (Figure 7, element 118; page 55, line 24), a contact update engine that selects contact records to update associated contact numbers based on update factors (Figure 7, element 400; page 56, line 2), and an update resource interface that obtains updates for selected contact records (Figure 7, element 404; page 56, line 6).

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL - 37 CFR § 41.37(c)(1)(vi)

Claims 1, 8 and 15 stand improperly rejected under 35 U.S.C. § 103(a) as obvious over Svoronos in view of Grossman.

VII. ARGUMENT - 37 CFR § 41.37(c)(1)(vii)

Svoronos and Grossman cannot make obvious Claims 1, 8 and 15 because Svoronos and Grossman fail to teach, disclose or suggest all elements recited by Claim 1, 8 and 15. Accordingly, Applicants respectfully request that the Board reverse the rejection of Claims 1, 8 and 15 by the Examiner.

A. Claim 1

Svoronos discloses ordering accounts for outbound contact attempts based upon the probability of achieving a right party contact.

Grossman discloses that the results of contact attempts are used to update a contact history database and to update account records when necessary, such as when the telephone numbers have changed.

Claim 1 recites, in part, “a contact update engine interfaced with the contact record database and operable to identify one or more contact records for update of the associated contact numbers based on one or more update factors.”

Svoronos and Grossman cannot make obvious Claim 1 because Svoronos and Grossman fail to teach, disclose or suggest all elements recited by Claim 1. For example, Svoronos and Grossman fail to teach, disclose or suggest “a contact update engine interfaced with the contact record database and operable to identify one or more contact records for update of the associated contact numbers based on one or more update factors” as is recited by Claim 1. The Examiner admits that Svoronos fails to disclose identifying accounts for update of associated contact numbers or contact information. Grossman also fails to disclose identification of accounts for update of associated contact numbers or contact information. At column 6, lines 21-28, Grossman indicates that a contact number is updated if the result of a contact attempt indicates a telephone number has changed. Since the result of the contact attempt is a new number, Grossman has no need to identify contact numbers for updating – the updated contact number is already known. The Examiner maintains the rejection by referring to column 4, lines 35-50 as flagging an account record and contact history database for updating. Grossman is a lengthy

patent that uses contact history to predict when to call a number and updates an account record based on the results of the call. The “flagged for updating” indicates an update of an account record based on the result of the call and a contact database to use in predicting when to call accounts. Nothing in Grossman indicates that the “flagged for updating” results in an update of updated contact numbers as recited by Claims 1. Accordingly, Applicants respectfully request that the Board reverse the rejection of Claim 1.

B. Claim 8

Claim 8 recites, in part, “identifying contact records having contact attempts with a result of no contact” and “obtaining updated contact information for the selected contact records from an update resource.”

Svoronos and Grossman cannot make obvious Claim 8 because Svoronos and Grossman fail to teach, disclose or suggest “identifying contact records having contact attempts with a result of no contact” and “obtaining updated contact information for the selected contact records from an update resource”. Nothing in Grossman indicates that contact records are identified with a result of no contact as is recited by Claim 8 so that updated contacted information is obtained from an update resource. Accordingly, Applicants respectfully request that the Board reverse the rejection of Claim 8.

C. Claim 15

Claim 15 recites, in part, “a contact update engine interfaced with the contact record database and operable to select contact records to update associated contact numbers based on update factors.”

For the reasons set forth above with respect to Claim 1, Svoronos and Grossman cannot make obvious Claim 15.

VIII. CLAIMS APPENDIX - 37 CFR § 41.37(c)(1)(viii)

A copy of the pending claims involved in the appeal is attached as Appendix A.

IX. EVIDENCE APPENDIX - 37 CFR § 41.37(c)(1)(ix)

None.

X. RELATED PROCEEDINGS APPENDIX - 37 CFR § 41.37(c)(1)(x)

There are no related proceedings.

XI. CONCLUSION

For the reasons set forth above, Applicant respectfully submits that that rejection of pending Claims 1-23 is unfounded, and requests that the rejection of Claims 1-23 be reversed.

CERTIFICATE OF TRANSMISSION

I hereby certify that on December 14, 2009, this correspondence is being transmitted via the U.S. Patent & Trademark Office's electronic filing system.

/Robert W. Holland/

Respectfully submitted,

/Robert W. Holland/

Robert W. Holland
Attorney for Applicant(s)
Reg. No. 40,020

APPENDIX A

1. (Original) A system for coordinating the updating of contact records associated with one or more contact devices, the contact devices performing a campaign of outbound contact attempts with the contact records, the system comprising:

- a contact record database operable to communicate contact records with the one or more contact devices during the campaign, each contact record associating one or more contact individuals, one or more contact numbers and one or more contact results;
- a contact update engine interfaced with the contact record database and operable to identify one or more contact records for update of the associated contact numbers based on one or more update factors;
- an update resource interface operable to obtain updated contact numbers for the identified contact records from one or more update resources; and
- an update validation engine operable to validate updated contact records and communicate the validated contact records to the contact record database for appropriate action by the contact devices during the campaign.

2. (Original) The system of Claim 1 wherein the account update engine comprises a rules-based engine and the update factors comprise one or more rules, the rules-based engine operable to identify one or more contact records for updating if the contact results associated with a contact record meet one or more of the rules.

3. (Original) The system of Claim 2 wherein a rule comprises a contact result of an inoperable number.

4. (Original) The system of Claim 2 wherein the contact results comprise the number of previous updates associated with a contact record and a rule comprises updating only accounts with less than a predetermined number of previous updates.

5. (Original) The system of Claim 1 wherein the update resource interface is further operable to select one of plural update resources based on the contact results and one or more update factors.

6. (Original) The system of Claim 1 wherein the account update engine comprises a predictive model and the update factors comprise one or more predictive parameters, the model operable to identify a contact record for updating if application of the contact results associated with the contact record predict a predetermined result.

7. (Original) The system of Claim 6 wherein the model comprises a logistic regression model of the probability to cure with an updated contact record.

8. (Original) A method for coordinating the updating of contact records, the method comprising:

performing contact attempts with one or more contact devices using plural contact records, each contact record having contact information;
identifying contact records having contact attempts with a result of no contact;
selecting based on one or more update factors one or more of the identified contact records for updating of associated contact information;
obtaining updated contact information for the selected contact records from an update resource; and
re-attempting contact by a contact device with the updated contact information.

9. (Original) The method of Claim 8 wherein selecting based on one or more update factors further comprises selecting contact records having contact information that meets one or more rules.

10. (Original) The method of Claim 9 wherein a rule comprises a delinquent balance of greater than a predetermined amount.

11. (Original) The method of Claim 9 wherein a rule comprises less than a predetermined number of previous contact information updates.

12. (Original) The method of Claim 8 wherein selecting based on one or more update factors further comprises:

applying the contact information to a model to predict a result of an update; and
selecting contact records having a predetermined predicted result.

13. (Original) The method of Claim 12 wherein the predetermined predicted result comprises likelihood of cure from updated contact information resulting in value greater than the cost of the contact information update.

14. (Original) The method of Claim 12 wherein the model comprises a logistic regression model predictive of cost of contact.

15. (Original) A system for contacting individuals, the system comprising:
plural dialers, each dialer operable to dial outbound telephone calls to individuals, each individual having one or more associated contact records with one or more numbers for a dialer to dial;

a contact record database interfaced with the dialers and operable to provide the dialers with contact records to dial, the contact record database further operable to receive results of contact attempts by the dialers to the numbers of the contact records;

a contact update engine interfaced with the contact record database and operable to select contact records to update associated contact numbers based on update factors; and

an update resource interface operable to obtain updates for the selected contact records from one or more update resources, the update resource interface communicating the updates to the contact record database for use by the dialers.

16. (Original) The system of Claim 15 wherein the contact update engine comprises a rules-based engine having a rule of obtaining an update for contact results of wrong number.

17. (Original) The system of Claim 15 wherein the contact update engine comprises a model of the likelihood of success from a contact attempt with an updated contact number.

18. (Original) The system of Claim 15 wherein the contact record database provides updates to dialers on a real time basis.

19. (Original) The system of Claim 15 wherein the update resource interface is further operable to select one of plural update resources to update a contact record based at least in part on update cost.

20. (Original) The system of Claim 15 wherein an update comprises a confidence rating of the relative accuracy of the update.

21. (Original) The system of Claim 15 wherein the contact update engine is further operable to perform plural updates of selected contact records.

22. (Original) The system of Claim 21 wherein the contact update engine is further operable to cumulate updated contact information for use as update factors.

23. (Original) The system of Claim 21 wherein the contact update engine is further operable to incorporate updated information in a subsequent update request.

EVIDENCE APPENDIX - 37 CFR § 41.37(c)(1)(ix)

None.

RELATED PROCEEDINGS APPENDIX - 37 CFR § 41.37(c)(1)(x)

There are no related proceedings.

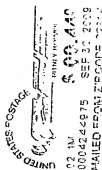
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/776,775

02/09/2004

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09/30/2009

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EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 09/30/2009

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

10/776,775

Examiner

Amal Zenati

Applicant(s)

PAGEL ET AL.

Art Unit

2614

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 09 September 2009 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☐ Other (including any explanation in support of the above items):

The summary of claimed subject matter fails to refer independent claim 8, to the specification by page and line number. Appellant may choose to only submit the defective section of the brief.

/Timothy Cole/
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